

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MEYNARD DESIGNS, INC. AND EARTH
VISIONS INC.

Plaintiffs and
Counterclaim-Defendants,

v.

EARTH PRODUCTS INC.

Defendant and
Counterclaim-Plaintiff.

EARTH PRODUCTS INC.

Third-Party Plaintiff and
Counterclaim-Defendant,

v.

PLANET, INC.

Third-Party Defendant and
Counterclaim-Plaintiff.

CIVIL ACTION NO. 05 cv 11781 NMG

**ASSENTED TO MOTION TO IMPOUND MATERIALS CITED
IN EARTH PRODUCTS' MOTION TO COMPEL AND
DESIGNATED AS CONFIDENTIAL BY PLAINTIFFS**

Pursuant to Local Rule 7.2 and Section 8 of the Stipulated Protective Order (Dkt. No. 30), Defendant Earth Products Inc. ("Earth Products") moves this Honorable Court for an Order impounding and sealing Defendant Earth Products' Motion To Compel Plaintiffs To Supplement Their Rule 26(a)(1) Initial Disclosures And Their Response To Interrogatory Number 9 ("Motion to Compel") and Exhibits A and H to the Davis Declaration accompanying that Motion. These

materials are not voluminous, comprising a brief—limited to 20 pages by Local Rule 7.1(b)(4)—and two exhibits together totaling approximately 12 pages.

This motion is necessitated by the fact that Plaintiffs designated two interrogatory responses quoted and discussed in Earth Products' Motion to Compel as confidential under the Stipulated Protective Order and, despite Earth Products' request, refused to de-designate such materials. Accordingly, Earth Products requests an order authorizing its Motion to Compel and Exhibits A and H to the associated Davis Declaration to be filed under seal and impounded.

The Clerk should impound these materials as described in Section 8 of the Stipulated Protective Order (Dkt. No. 30), *i.e.*, until 30 days after the conclusion of this case in this District Court.

Pursuant to Section 8 of the Stipulated Protective Order, Plaintiffs Meynard Designs, Inc. and Earth, Inc. and Third-Party Defendant Planet, Inc. have assented to this motion.

Dated: June 25, 2007

By: /s/ J. Christopher Carraway

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CERTIFICATE OF SERVICE

I certify that this ASSENTED TO MOTION TO IMPOUND MATERIALS CITED IN EARTH PRODUCTS' MOTION TO COMPEL AND DESIGNATED AS CONFIDENTIAL BY PLAINTIFFS is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF).

Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

Dated: June 25, 2007

By: /s/ J. Christopher Carraway
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